

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

PROGRESS SOFTWARE CORPORATION,

Plaintiff,

v.

HOSPITALS OF ONTARIO PENSION PLAN,

Defendant.


CIVIL ACTION
No. 05-cv-10028-REK

NOTICE OF DISMISSAL WITH PREJUDICE

No answer or motion for summary judgment having been served by defendant, plaintiff hereby dismisses the above-named action with prejudice, without costs or attorneys' fees to any party, pursuant to Rule 41(a)(1)(i) of the Federal Rules of Civil Procedure.

PROGRESS SOFTWARE CORPORATION

By its attorneys,



Marc K. Temin (BBO #494280)

Marco J. Quina

Foley, Hoag LLP

155 Seaport Boulevard

Boston, MA 02210-2600

(617)832-1000

Dated: June 1, 2005

I HEREBY CERTIFY THAT A TRUE COPY OF THE ABOVE
DOCUMENT WAS SERVED UPON THE ATTORNEY OF
RECORD FOR EACH OTHER PARTY BY MAIL-~~HAND~~ ON

6/1/05. Marc Temin